

REMARKS

Claims 1-52 are pending in the present application. In the above amendments, claims 1, 33, 38, 41, and 48 have been amended. In the Office Action mailed July 24, 2003, the Examiner rejected the claims 1-37 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claims 1, 2, 4, 10, 11, 13, 15, 17-25, 27, 28, 33-35, 38-40, 42-47, 51 and 52 are rejected as being anticipated. Claim 51 is rejected as being obvious.

Applicants respectfully respond to this Office Action.

Claim Rejections – 35 USC § 112**Claims 1 and 37**

Claims 1-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claims 1 and 33 have been amended to remove “and combining.” Applicants respectfully request the Examiner withdraw the rejection.

Claim Rejections – 35 USC § 102

Claims 1, 2, 4, 10, 11, 13, 15, 17-25, 27 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Visotsky et al. (US 6,175,588) (whereby the combining is interpreted a part of steps within an equalizer).

Claim 1

Claim one has been amended to include the limitation of a second processing of a multipath of the one or more streams of samples with one or more rake receivers to provide a second stream of recovered symbols, estimating a signal quality associated with each of the first and second processing and selecting the first or second processing based on estimated signal quality. The limitation added is not disclosed by Visotsky et al. Therefore, claim 1 is not

anticipated and is in a condition for allowance. Claims 2, 4, 10, 11, 13, 15, 17-25, 27 and 28 are dependent on claim 1 and it follows that they are in a condition for allowance.

Claims 33-35, 38-40, 42-47, 51 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Serizawa et al. (US 5,283,531) (whereby the combining is interpreted a part of steps within an equalizer).

Claim 33

Claim 33 has been amended to include the limitation of second processing a multipath of the one or more streams of samples. Serizawa et al., does not disclose a multipath. Therefore, claim 33 is not anticipated and is in a condition for allowance. Claims 34, 35 and 37 are dependent on claim 33 and it follows that they are in a condition for allowance.

Claim 38

Claim 38 has been amended to include of a second processing of a multipath of the one or more streams of samples with one or more rake receivers to provide a second stream of recovered symbols, estimating a signal quality associated with each of the first and second processing and selecting the first or second processing based on estimated signal quality. The limitation added is not disclosed by Serizawa et al. Therefore, claim 38 is not anticipated and is in a condition for allowance. Claims 39 and 40 are dependent on claim 38 and it follows that they are in a condition for allowance.

Claim 41

Claim 41 is rewritten in independent form to include the limitation of the rejected base claim 38 as suggested by the examiner. Applicants respectfully request the Examiner withdraw the rejection.

Claim 48

Claim 48 is rewritten in independent form to include the limitation of the rejected base claim 38 as suggested by the examiner. Applicants respectfully request the Examiner withdraw the rejection.

Claim Rejections – 35 USC § 103**Claim 51**

Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Serizawa et al. (US 5,283,531) in view of Visotsky et al. (US 6,175,588).

Claim 51 is dependent on independent claim 38, which has been amended and is in a condition for allowance for the reasons and explanations provided above. Therefore, Applicants respectfully request that the rejection of claim 51 be withdrawn.

Allowable Subject Matter

Claims 41 and 48-50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 41 and 48 are rewritten in independent form to include the limitation of the rejected base claim 38.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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